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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,429

Applicant(s)

ULVENES, RANDY

Examiner

MICHAEL C. LAI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/4/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This office action is responsive to communication filed on 6/4/2010.

Response to Amendment

2. The examiner has acknowledged the amended claims 14, 16, and 20. The 112 second paragraph rejections to claims 14 and 16-25 have been corrected and withdrawn accordingly. Claims 1-6 and 13-25 are pending.

Response to Arguments

3. Applicant's arguments, see pages 9-14, filed 6/4/2010, with respect to the rejection(s) of claim(s) under 35 U.S.C. 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Colson et al. (US 2003/0128229 A1) and Banerjee.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 13-15, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. (US 2003/0128229 A1, hereinafter referred to as Colson), and in view of Banerjee et al. (US 2003/0187806 A1, hereinafter referred to as Banerjee).

Regarding claim 1, Colson discloses: In a communication system wherein a request for web content is transmitted over a communication path from a client station to a content server, a method comprising the following functions carried out during transmission of the web request within the communication path, between the client station and the content server [see at least Fig. 2 and para. 0016]:

engaging in interstitial communication with the client station to receive user approval to pay the cost [see at least Fig. 3, steps 22, 24; para. 0018 and 0023, lines 1-4]; and

after receiving the user approval, sending the request along to the content server [see at least Fig. 3 Step 26 and para. 0023, lines 4-7].

Colson discloses a cost dependent on how many, if any, advertising displays or how old the content is, but fails to disclose computing a size-based cost to access the web content. However size-based cost is well known in the art as evidenced by Banerjee, who discloses calculating and displaying the cost of downloading web content based on file size and bandwidth usage [see at least abstract, "calculating...", Fig. 1, para. 0047, "calculating...", para. .0050, and para. 0065, "multiplying...adding..."]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Banerjee's teaching into Colson's method for the purpose of allowing the user to vary the cost of viewing content depending on amount of the content by

computing a size-based cost to access the web content, thereby providing differing values to the user depending on the amount of the content [see Colson para. 0006, 0022].

Regarding claim 2, Colson-Banerjee disclose the method of claim 1, Banerjee further discloses wherein computing the size-based cost to access the web content comprises: multiplying a charging-rate by a size of the web content [para. 0065]. See motivation in Claim 1.

Regarding claim 4, Colson discloses: In a communication system wherein web content is transmitted over a communication path from a content server to a client station, a method comprising the following functions carried out during transmission of the web content within the communication path, between the content server and the client station [see at least Fig. 2 and para. 0016]:

engaging in interstitial communication with the client station to receive user approval to pay the cost [see at least Fig. 3, steps 22, 24; para. 0018 and 0023, lines 1-4]; and

after receiving the user approval, sending the web content along to the client station [see at least Fig. 3 Step 26 and para. 0023].

Colson discloses a cost dependent on how many, if any, advertising displays or how old the content is, but fails to disclose computing a size-based cost to access the web content. However size-based cost is well known in the

art as evidenced by Banerjee, who discloses calculating and displaying the cost of downloading web content based on file size and bandwidth usage [see at least abstract, "calculating...", Fig. 1, para. 0047, "calculating...", para. 0050, and para. 0065, "multiplying...adding..."]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Banerjee's teaching into Colson's method for the purpose of allowing the user to vary the cost of viewing content depending on amount of the content by computing a size-based cost to access the web content, thereby providing differing values to the user depending on the amount of the content [see Colson para. 0006, 0022].

Regarding claim 5, Colson-Banerjee disclose the method of claim 4, Banerjee further discloses wherein computing the size-based cost to access the web content comprises: multiplying a charging-rate by a size of the web content [para. 0065]. See motivation in Claim 4.

Regarding claim 13, Colson discloses a communication system wherein web content is transmitted over a communication path from a content server to a client station, the web content defining a hyperlink to be presented by a browser running on the client station, the hyperlink pointing to referenced web content [see at least Fig. 2 and para. 0016], a method comprising:

- (ii) adding an indication of the size-based cost into the web content, in conjunction with the hyperlink, such that the indication will be presented to

a user when the web content is presented to the user [see at least FIG. 4, and para. 0020-0023, link buttons 36, 38].

Colson discloses a cost dependent on how many, if any, advertising displays or how old the content is, but fails to disclose computing a size-based cost to access the web content. However size-based cost is well known in the art as evidenced by Banerjee, who discloses calculating and displaying the cost of downloading web content based on file size and bandwidth usage [see at least abstract, "calculating...", Fig. 1, para. 0047, "calculating...", para. 0050, and para. 0065, "multiplying...adding..."]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Banerjee's teaching into Colson's method for the purpose of allowing the user to vary the cost of viewing content depending on amount of the content by computing a size-based cost to access the web content, thereby providing differing values to the user depending on the amount of the content [see Colson para. 0006, 0022].

Regarding claim 14, Colson-Banerjee disclose the method of claim 13, Colson further discloses an access channel between content server and client station, and carrying out at least the adding within the access channel [see at least Fig. 2 and para. 0016].

Regarding claim 15, Colson-Banerjee disclose the method of claim 13, Colson further discloses engaging in interstitial communication with the user to collect user-payment of the size-based cost for the referenced web content [Fig. 3, steps 22-26, para. 0018, 0023].

Regarding claim 20, Colson discloses an intermediation system disposed within a web communication path between a client station and a packet-switched network [see at least Fig. 2 and para. 0016], the intermediation system comprising:

- a network interface for receiving and sending communications on the HTTP communication path, wherein the network interface receives a communication that carries web content and the web content defines a hyperlink that points to referenced web content [see at least Fig. 2, Intermediary web server 18, and para. 0016, 0017]; and

- cost-embellishment logic for inserting into the web content an indication of the cost to access the referenced web content and for thereby establishing cost-embellished web content [see at least Fig. 4, para. 0020];

- wherein the network interface sends the cost-embellished web content along the communication path for ultimate receipt and presentation of the cost-embellished web content by a browser running on the client station [see at least Fig. 2, para.0023].

Colson discloses the claimed invention, but fails to teach cost-computation logic for computing a size-based cost to access the referenced web content. However size-based cost is well known in the art as evidenced by Banerjee, who discloses calculating and displaying the cost of downloading web content based on file size and bandwidth usage [see at least abstract, "calculating...", Fig. 1, para. 0047, "calculating...", para .0050, and para. 0065, "multiplying...adding..."]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Banerjee's teaching into Colson's method for the purpose of allowing the user to vary the cost of viewing content depending on amount of the content by computing a size-based cost to access the web content, thereby providing differing values to the user depending on the amount of the content [see Colson para. 0006, 0022].

Regarding claim 21, Colson-Banerjee disclose the intermediation system of claim 20, Banerjee further discloses that the cost-computation logic and cost-embellishment logic are embodied in software executable by a processor [para. 0060]. See motivation in Claim 20.

Regarding claim 22, Colson-Banerjee disclose the intermediation system of claim 20, Colson further discloses wherein the communication path comprises an access channel between the client station and a packet-switched network, and wherein the intermediation system is disposed within the access channel [Fig. 2 and para. 0016].

Regarding claim 23, Colson-Banerjee disclose the intermediation system of claim 22, Colson further discloses wherein the client station is a mobile station, and the access channel comprises an air interface and a radio access network [Figs. 2, 4 and para. 0016, 0020-0023].

Regarding claim 24, Colson-Banerjee disclose the intermediation system of claim 22, Banerjee further discloses: size data that specifies the size of the referenced web content, wherein the cost-computation logic computes the size-based cost at least in part by applying a charging-rate to the size [para. 0065].

See motivation in Claim 20.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson and Banerjee as applied to claim 1, and in view of Kumar et al. (US 2003/0083041 A1, hereinafter referred to as Kumar).

Regarding claim 3, Colson and Banerjee discloses the method of claim 2, but fails to teach wherein computing the size-based cost to access the web content further comprises: selecting the charging rate based at least in part on a factor selected from the group consisting of (i) a service level of a user requesting the web content. However, Kumar discloses computing the size-based cost is based on the user desired quality of service level [para 0045]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Kumar's teaching into Colson's and Banerjee's method for the purpose of providing various service levels by

selecting the charging rate based on service levels of the users requesting the web content, thereby satisfying different users with different needs.

Regarding claim 6, Colson and Banerjee discloses the method of claim 5, but fails to teach wherein computing the size-based cost to access the web content further comprises: selecting the charging rate based at least in part on a factor selected from the group consisting of (i) a service level of a user requesting the web content. However, Kumar discloses computing the size-based cost is based on the user desired quality of service level [para 0045]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Kumar's teaching into Colson's and Banerjee's method for the purpose of providing various service levels by selecting the charging rate based on service levels of the users requesting the web content, thereby satisfying different users with different needs.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banerjee, and in view of Colson.

Regarding claim 16, Banerjee discloses a communication system wherein web content is transmitted over a communication path from a content server to a client station, a method comprising, during transmission of the web content within the communication path, the following functions:

receiving the web content [see at least abstract, downloading web content];

detecting a hyperlink within the web content, wherein the hyperlink points to referenced web content [see at least abstract, second web page];

determining a cost of the referenced web content based at least in part on a size of the referenced web content [see at least abstract, determining a download cost for the second web page; para. 0060, 0065];

adding into the web content, in conjunction with the hyperlink, an indication of the determined cost [see at least abstract, displaying the cumulative download cost for the second web page; para. 0060, 0065];
and

whereby the indication will be presented to a user when the web content is presented to the user, thereby giving the user an advanced notice of the cost of the referenced web content [see at least abstract, displaying the cumulative download cost for the second web page, taking into account bandwidth cost, usage cost, and any user credits; para. 0060, 0065].

Banerjee discloses the claimed invention, but fails to teach sending the web content, including the indication, along the communication path to the client station. However, Colson discloses an HTTP communication path in a wireless communication system including a portal within a communication path and sending the web content, including the indication, along the communication path to the client station [see at least Fig. 2, para.0023]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to

incorporate Colson's teaching into Banerjee's method for ultimate receipt and presentation by the client station.

Regarding claim 17, Banerjee and Colson disclose the method of claim 16, Colson further discloses wherein the communication path comprises an access channel between client station and a packet-switched network [Fig. 2, para. 0016] the method comprising carrying out the functions within the access channel. See motivation in claim 16.

Regarding claim 18, Banerjee and Colson disclose the method of claim 16, Banerjee further discloses wherein determining the size-based cost comprises multiplying a charging rate by the size of the web content [para. 0065].

Regarding claim 19, Banerjee and Colson disclose the method of claim 16, Banerjee further discloses wherein the web content is defined by a set of markup language [para. 0023], and wherein adding the indication of the size-based cost in conjunction with the hyperlink comprises adding into the set of markup language [para. 0060], adjacent to the hyperlink, display text indicative of the size-based cost [para. 0062].

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colson and Banerjee as applied to claim 20, and in view of Brown et al. (US 2003/0177248 A1, hereinafter referred to as Brown).

Regarding claim 25, Colson-Banerjee disclose the intermediation system of claim 22, but fails to teach: exception data that indicates whether a user of the

client station already has a right to access the referenced web content, wherein the cost-embellishment logic doesn't insert the indication of size-based cost if the exception data specifies that the user of the client station already has a right to access the referenced web content. However, Brown discloses determining whether the user has paid-up right to access information to other web content [930: Figure 9A & 9B] based on user profile and indicating cost information [cost information 830: Figure 8] [cost information is "visit other sponsors" 930: Figure 9A] for accessing web content to the user by inserting ARI tag to the web content [user's profile: 0085] [ARI tag inserted in html code: 0029, 0035, 0036, 0049, 0052, 0059, 0061, 0062, 0063, 0071, 0074, 0075, 0080, 0088, 0093, 0106, 0107, 0117] [Figure 8, 9A & 9B]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Brown's teaching into Colson's and Banerjee's system for security purpose.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kurihara, US 2004/0098470 A1, has taught a size-based charging scheme.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and

figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. LAI whose telephone number is (571)270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
13AUG2010

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